IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 134 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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THE STATE OF GUJARAT - Applicant(s)
Versus
RAJUBHAI HATHIBHAI PATEL - Respondent(s)

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Appearance :

MR. A.J. DESAI, ADDITIONAL PUBLIC PROSECUTOR for Applicant(s) : 1,
MR PRADEEP PATEL for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 26/09/2006

ORAL JUDGMENT

Leave to amend the date in the prayer clause.

The State is before this Court being aggrieved by

order dated 13th January 2006 by the learned Sessions Judge below exh.161 in Sessions Case No.19 of 2003.

Exh.181 was filed by the Police Sub Inspector, DCB Police Station, Vadodara City seeking custody of the accused-Rajubhai Hathibhai Patel in the mater of Crime Register No.29 of 1999 registered at Jawahar Nagar Police Station, Vadodara City for offence under section 302 of the Indian Penal Code and section 25(1)(A) of the Arms Act. The applicant had obtained a Transfer Warrant from the Court of the learned 4th Judicial Magistrate, First Class, Vadodara. The learned Sessions Judge by order impugned rejected the request for custody of the accused on the grounds mentioned therein. One of the grounds which is mentioned is that the interrogation, for which custody is sought for can be carried out while the accused is in the Court with the permission of the Court. The learned Sessions Judge has also referred to the directions of this Court to proceed with the hearing of the cases of under-trial prisoners on day to day basis.

2. Without going deep into the matter and examining merits, it is felt that the Police authorities ought to have resorted to the method suggested by the learned Judge for interrogating the accused. In case, after the

interrogation as suggested by the learned Sessions Judge if still custody is required, an appropriate application can always be moved for appropriate orders. With the aforesaid observation, this Revision Application is disposed of. Rule is made absolute.

(RAVI R. TRIPATHI, J.)

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